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Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS KENNEDY HELM IV,)	No. CV 10-4634 RS
)	
Plaintiff,)	STIPULATION FOR DISMISSAL AND
)	[PROPOSED] ORDER VACATING CASE
v.)	MANAGEMENT CONFERENCE AND
)	RESERVING RESOLUTION OF
UNITED STATES OF AMERICA,)	ATTORNEYS' FEES AND EXPENSES
)	
Defendant.)	
)	

[STIPULATION FOR DISMISSAL AND ~~[PROPOSED]~~ ORDER VACATING CASE MANAGEMENT
CONFERENCE AND RESERVING RESOLUTION OF ATTORNEYS FEES AND EXPENSES]
CV 10-4634 RS

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2 TO THE HONORABLE RICHARD SEEBORG, UNITED STATES DISTRICT JUDGE,
3 AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

4 1. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, counsel for
5 Plaintiff, Thomas Kennedy Helm IV, and counsel for Defendant United States Department of
6 Labor hereby stipulate to the dismissal of this action with prejudice.

7 2. The parties request that the Case Management Conference set for March 10, 2011,
8 be vacated.

9 3. The parties agree that nothing in this stipulation shall waive plaintiff's right to bring
10 a motion for attorney's fees and expenses. The parties stipulate that plaintiff may bring a motion
11 for attorneys' fees and expenses within 45 days of the entry of dismissal, if necessary. However,
12 nothing in this stipulation shall be interpreted to mean that plaintiff is entitled to an award of fees
13 and expenses or that plaintiff is not entitled to an award of attorney's fees and expenses.

14
15 DATED: February 17, 2011

Respectfully submitted,

16 MELINDA HAAG
17 United States Attorney

/s/ Melissa Sladden

18

MELISSA BROWN SLADDEN
19 Assistant United States Attorney

20 DATED: February 17, 2011

21 AMITAI SCHWARTZ
22 Law Offices of Amitai Schwartz

/s/ Amitai Schwartz

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AMITAI SCHWARTZ
24 Attorney for the Plaintiff

[PROPOSED] ORDER

Pursuant to the stipulation of the parties, this action is dismissed with prejudice. The initial case management conference in this matter set for March 10, 2011 is vacated. The plaintiff may bring a motion for attorneys' fees and expenses within 45 days of the entry of dismissal, if necessary.

IT IS SO ORDERED

Dated: 2/18/11



RICHARD SEEBORG
United States District Court Judge